

Message Text

CONFIDENTIAL

PAGE 01 PORT O 01925 01 OF 02 261559Z

43

ACTION ARA-10

INFO OCT-01 ISO-00 JUSE-00 L-03 CIAE-00 INR-07 NSAE-00

PRS-01 SS-15 NSC-05 SP-02 EB-07 /051 W

----- 019232

R 261535Z JUL 76

FM AMEMBASSY PORT OF SPAIN

TO SECSTATE WASHDC 9506

C O N F I D E N T I A L SECTION 1 OF 2 PORT OF SPAIN 1925

ALSO FOR JUSTICE DEPT

FROM AMBASSADOR FOR ASST. SEC. SHALUDEMAN

E.O. 11652: GDS

TAGS: PFOR, ETRD, TD, US

SUBJECT: U.S. COURT SUIT RE COMPLIANCE WITH FOREIGN
AGENTS REGISTRATION ACT

REF: PORT OF SPAIN 1138, PORT OF SPAIN 1171

SUMMARY: MANNER IN WHICH USG IS PURSUING CIVIL SUIT
AGAINST GOVERNMENT OF TRINIDAD AND TOBAGO ENTITIES IN
THE U.S. IS CAUSING CONCERN AND POTENTIAL WIDER PROBLEMS
BETWEEN OUR TWO GOVERNMENTS. EMBASSY URGENTLY NEEDS
FULLER EXPLANATIONS TO ALLAY NEGATIVE REACTIONS HERE.
POLICY-LEVEL EVALUATION IS NEEDED WITHIN USG REGARDING
RELATIVE INTERESTS AT STAKE IN PUNITIVE TYPE PROSECUTION
OF CASE AT THIS STAGE WHEN FULL COMPLIANCE WITH
REQUIREMENTS OF LAW HAS ALREADY BEEN ACHIEVED. END
SUMMARY.

1. WHAT APPEARS TO THE GOVERNMENT OF TRINIDAD AND
TOBAGO (GOTT) TO BE A PUNITIVE APPROACH BY THE USG
IN THE PURSUIT OF THE PROSECUTION OF TRINIDAD AND
TOBAGO ENTITIES (INDUSTRIAL DEVELOPMENT CORPORATION,
AND T&T TOURIST BOARD) FOR DELINQUENT AND INADEQUATE
COMPLIANCE WITH REPORTING REQUIREMENTS OF THE FOREIGN
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PORT O 01925 01 OF 02 261559Z

AGENTS REGISTRATION ACT CAN HAVE WIDER AND LONG-LASTING

IMPLICATIONS FOR COOPERATION BETWEEN OUR TWO GOVERNMENTS
IF NOT MORE SENSITIVELY HANDLED THAN APPEARS TO HAVE
BEEN THE CASE THUS FAR.

2. AS NOTED IN REFERENCED TELEGRAMS, PRIME MINISTER
AND SENIOR CABINET MINISTERS ARE PERSONALLY AWARE OF
THIS CASE, ARE FOLLOWING IT WITH CONSIDERABLE ATTENTION,
AND ARE INCREASINGLY UNHAPPY WITH APPARENT DEVELOPMENTS.
MY EFFORTS TO IMPROVE COMMUNICATION ON THE ISSUE AND
PREVENT MISUNDERSTANDINGS OR UNFORTUNATE CONSEQUENCES
HAVE BEEN SERIOUSLY CIRCUMSCRIBED BY PAUCITY OF INFOR-
MATION WHICH JUSTICE DEPARTMENT HAS BEEN WILLING TO
SHARE.

3. ESENTIALLY, I UNDERSTAND THE CIVIL SUIT TO HAVE
BEEN FILED IN ORDER TO TIGHTEN COMPLIANCE WITH THE
FOREIGN AGENTS REGISTRATION ACT AND TO SERVE FORMAL
NOTICE THAT STRICT ADHERENCE TO THE REQUIREMENTS OF
THE ACT WOULD BE DEMANDED. THE GOTT WAS NOT AWARE UNTIL
THE SJIT HAD BEEN FILED THAT PROCEDURES HAD NOT BEEN
ADEQUATELY COMPLIED WITH BY ITS AGENTS. THERE IS NO
CONTESTING OF THE FACTS, AND WE UNDERSTAND NO MALA FIDES
HAS BEEN IMPLIED. THE GOTT HAS INTERNALLY REPRIMANDED
THOSE RESPONSIBLE FOR THE DELINQUENCY, HAS INSTITUTED
NEW PROCEDURES TO ENSURE COMPLIANCE AND VERIFICATION
THEREOF BY RESPONSIBLE OFFICIALS HERE IN PORT OF SPAIN,
AND HAS MOVED EXPEDITIOUSLY TO COMPLETE ALL DELIQUENT
REPORTS AND BRING GOTT AGENCIES IN THE USA INTO FULL
AND CURRENT COMPLIANCE.

4. THESE STEPS HAVING BEEN TAKEN AS EARLY AS MAY, THE
MANNER IN WHICH THE SUIT HAS BEEN PROSECUTED SINCE THEN
SEEMS TO RAISE LEGITIMATE QUESTIONS AS TO WHERE USG
INTEREST LIES. WE ARE DEALING WITH A SOVEREIGN POWER,
THE HIGHEST OFFICIALS OF WHICH ARE INFORMED OF THE
PROGRESS OF THIS SUIT AND WHO WILL HOLD THE USG COLLECTIVELY
RESPONSIBLE FOR THE ATTITUDE AND APPARENT INTENT OF THE
PROSECUTION. WE UNDERSTAND THIS TO BE A CIVIL SUIT,
NOT A CRIMINAL PROCEEDING. IN VIEW OF THE LARGE NUMBER
OF CIVIL PROCEEDINGS WHICH ARE SETTLED "OUT OF COURT,"
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 PORT O 01925 01 OF 02 261559Z

IT IS PERTINENT TO ASK WHAT ESSENTIALLY ARE JUSTICE'
OBJECTIONS TO ENTRY OF A "NOLL PROSEQUI" MOTION AT
THIS TIME. INDIRECTLY, I HAVE BEEN INFORMED THAT THE
REASON THIS IS NOT CONSIDERED APPROPRIATE IS DUE TO THE
FACT THAT JUSTICE IS PRESENTLY PROSECUTING MANY OTHER
COUNTRIES UNDER THE SAME LAW AND DOES NOT WISH TO HAVE
A PRECEDENT WHICH MIGHT SEEM TO BE "WEAK." THIS
CONFLICTS SOMEWHAT WITH INDEPENDENT REPORTS THAT

ONLY ABOUT SIX SUCH SUITS HAVE BEEN FILED IN THE HISTORY OF THE LAW, FOUR OF WHICH ARE NOW CURRENT.

5. THERE WAS INITIALLY SOME RELUCTANCE BY THE GOTT TO ENTER INTO A NEGOTIATION FOR A "CONSENT DECREE," SINCE THEY COULD NOT UNDERSTAND WHY SUCA A FORMAL DECREE WAS CALLED FOR FOLLOWING FULL COMPLIANCE, AND THERE WAS CONCERN AT THE APPARENT "BLACK MARK" THUS CAST ON THE NATION. WE HAVE ASSISTED IN ALLAYING SOME OF THESE CONCERNS AND WE UNDERSTAND THE GOTT DID THEN AGREE THROUGH ITS LAWYER TO THE CONSENT DECREE PROCEDURE IN BIEW OF THE UNWILLINGNESS OF THE USG TO AGREE TO NOLLE PROSEQUI.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 PORT O 01925 02 OF 02 261605Z

43

ACTION ARA-10

INFO OCT-01 ISO-00 JUSE-00 L-03 CIAE-00 INR-07 NSAE-00

PRS-01 SS-15 NSC-05 SP-02 EB-07 /051 W

----- 019336

R 261535Z JUL 76

FM AMEMBASSY PORT OF SPAIN

TO SECSTATE WASHDC 9507

C O N F I D E N T I A L SECTION 2 OF 2 PORT OF SPAIN 1925

ALSO FOR JUSTICE DEPT

FROM AMBASSADOR FOR ASST SEC SHLAUDEMAN

6. NOW I AM INFORMED BY SENIOR OFFICIALS HERE THAT AT THE JUNE HEARING BEFORE THE JUDGE THE DEPARTMENT OF JUSTICE IN A SURPRISE MOVE ENTERED A MOTION FOR A "SUMMARY JUDGMENT." THIS STEP HAS NOT BEEN FULLY EXPLAINED TO GOTT OFFICIALS AND THEREFORE THEY INTERPRET IT AS A HARDENING OF THE PROSECUTION AND ESSENTIALLY AS A PUNITIVE OR WRIST-SLAPPING STEP. FULLER INFORMATION TO THIS EMBASSY FROM JUSTICE MIGHT SERVE TO ALLAY SOME OF THIS REACTION BUT I HAVE BEEN OFFERED NO AMMUNITION AT THIS STAGE TO DAMPEN WHAT MAY BE SERIOUS GOVERNMENT-WIDE REPERCUSSIONS HERE IF A RULING IS REACHED IN A

SPIRIT OF CONFRONTATION AND ACRIMONY WHICH WILL BE INTERPRETED AS PUNITIVE, AND AS WITHIN THE SPHERE OF USG EXECUTIVE POLICY TO HAVE HANDLED DIFFERENTLY.

7. I AM PERSONALLY CONCERNED AT THE POTENTIAL ESCALATION OF A PROBLEM WHICH SHOULD BE AMENDABLE TO MORE ADROIT HANDLING. IF THIS EMBASSY AND THE GOVERNMENT OF TRINIDAD AND TOBAGO DO NOT HAVE AN ACCURATE OR BALANCED PICTURE OF THE SITUATION, THIS CAN CERTAINLY BE CORRECTED THROUGH INFORMATION AND COMMUNICATION. TO FAIL TO COMMUNICATE FRANKLY IS TO ASK FOR TROUBLE.

8. IF INDEED THERE IS AN ELEMENT OF PUNITIVE INTENT IN
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PORT O 01925 02 OF 02 261605Z

THE PRESENT PROCEEDINGS, I DIRECTLY REQUEST THAT THIS BE RE-EVALUATED AT A POLICY LEVEL TO DETERMINE WHETHER ANY VALID USG INTEREST OR LEGAL REQUIREMENT IS SERVED BY PURSUIT OF THIS PROCEEDING AGAINST A PROUD AND SENSITIVE FOREIGN POWER WHICH COULD NOT BETTER BE SERVED BY AN AMICABLE SETTLEMENT. IF THERE ARE OTHER INTERESTS INVOLVING THE SUIT UNDER THE FOREIGN AGENTS REGISTRATION ACT BEYOND ENSURING PRESENT AND FUTURE COMPLIANCE WITH ALL ASPECTS OF THE ACT THEN THESE HAVE NOT THUS FAR BEEN STATED TO ME. PRESENT AND FUTURE COMPLIANCE HAVE ALREADY BEEN ACHIEVED BY EARLY PURSUIT OF THE CIVIL SUIT. IF THE ISSUE IS NOT NOW TO BE BROUGHT FORMALLY TO AN AMICABLE CONCLUSION, THEN THE REASONS FOR CONFRONTATION SHOULD BE MADE EXPLICIT AND WEIGHED SERIOUSLY AGAINST OTHER INTERESTS WHICH THE USG HAS AT STAKE HERE (E.G. NEED FOR FORTHRIGHT AND NOT RELUCTANT SUPPORT OF GOTT ON PUERTO RICAN ISSUES IN INTERNATIONAL FORA IN THE NEXT FEW MONTHS).
FAY

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LITIGATION, FOREIGN RELATIONS, ALIEN REGISTRATION, FOREIGN INTEREST REPRESENTATION
Control Number: n/a
Copy: SINGLE
Draft Date: 26 JUL 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PORTO001925
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760286-1188
From: PORT OF SPAIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760721/aaaaaspc.tel
Line Count: 207
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 PORT OF SPAIN 1138, 76 PORT OF SPAIN 1171
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 21 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 JUL 2004 by BoyleJA>; APPROVED <29 OCT 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: U.S. COURT SUIT RE COMPLIANCE WITH FOREIGN AGENTS REGISTRATION ACT
TAGS: PFOR, ETRD, TD, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006